

IN RE: PETITION FOR SPECIAL HEARING
ZONING VARIANCE
3W/8 Loreley Beach Rd. 700' SE
of 1/5 of Loreley Beach
6027 Loreley Beach Road
11th Election District
5th Councilmanic District
Richard J. Romano, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Hearing, approval, as a nonconforming use, for the existence of a cottage with side yard setback of 1.5 ft. in lieu of required 35 ft. (BCZR 1A01.3.B.3); and, pursuant to a Petition for Zoning Variance, a variance from Section 400.1 to permit existing shed to extend into the side yard, in lieu of the rear yard, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners appeared, testified and were represented by Keith R. Truffer, Esquire. Also appearing on behalf of the Petition was Theodore Hines. Appearing as Protestants were Richard and Diane Crone.

Testimony indicated that the subject property known as 6027 Loreley Beach Road consists of .3472 acres +/- zoned R.C.2 and is located within the Chesapeake Bay Critical Area.

Proffered testimony indicated that the Petitioners are desirous of establishing the legal nonconforming use of the subject "cottage" as indicated on Petitioners' Exhibit No. 1 and the pictorial evidence. The Petitioners have requested a cottage and not a dwelling house or unit. There is no evidence this building is a home or dwelling. In fact, the Petitioners claim no person resides at this location.

Testimony indicated that Theodore Hines, the father of Debra Romano, Petitioner, purchased the subject property in the early 1960s and that the subject cottage was in existence at that time. Mr. Hines testified that he had visited the subject property for the first time in the 1950s and that he has personal recollection of the cottage being on the property at that time. He also indicated that his sister in-law had owned the property some 10 to 12 years prior to the 1950s, but could recall no date certain of when his sister in-law actually owned the property or whether the subject cottage was on the property at that time. Testimony indicated that the cottage has an electrical hookup, but no water or sewage.

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The Petitioners presented no evidence, hearsay or otherwise, that the Commissioner could base a finding of the cottage being a lawful nonconforming use pre-existing January 2, 1945. Mr. Hines did not own the property until 1963, and testified to only visiting same in the 1950s. There was no evidence produced by the Petitioners indicating anyone having personal knowledge of the cottage predating January 2, 1945. Therefore, the Petition for Special Hearing must be denied.

The Petitioners have also requested the aforementioned variance relief. In view of the fact that the Petition for Special Hearing has been denied, the request for zoning variance has been rendered moot and will, therefore, be dismissed.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16th day of July, 1991, that the Petition for Special Hearing, as a nonconforming use, for the existence of a cottage with side yard setback of 1.5 ft. in lieu of required 35 ft., is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to a Petition for Zoning Variance, a variance from Section 400.1 to permit existing shed to extend into the side yard, in lieu of the rear yard, in accordance with Petitioners' Exhibit No. 1, is hereby DISMISSED.

IT IS FURTHER ORDERED that the cottage shall be removed from its present location on or before August 1, 1994.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmn
cc: Peoples Counsel

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 15, 1991

Keith R. Truffer, Esquire
102 West Pennsylvania Avenue, Suite 600
Towson, Maryland 21204

RE: Petitions for Special Hearing and Zoning Variance
Richard J. Romano, et ux, Petitioners
Case #91-421-SPHA

Dear Mr. Truffer:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmn
att.
cc: Peoples Counsel
cc: Mr. and Mrs. Richard Romano
cc: Mr. and Mrs. Richard Crone

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-421-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve as a non-conforming use, the existence of a cottage with side yard setback of 1.5' in lieu of required 35' (BCZR 1A01.3B.3).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Richard J. Romano
(Type or Print Name)
Signature: *Richard J. Romano*
Address: 6027 Loreley Beach Road
City and State: Baltimore, Maryland 21221
Phone No.: 212-21-1800
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Richard J. Romano, 6027 Loreley Beach Road, Baltimore, Maryland 21221, (301) 823-1800
Attorney for Petitioner: Keith R. Truffer
(Type or Print Name)
Signature: *Keith R. Truffer*
Address: 102 W. Pennsylvania Ave., Suite 600
City and State: Towson, Maryland 21204-4575
Attorney's Telephone No.: (301) 823-1800

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of July, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108 County Office Building in Towson, Baltimore County, on the 26th day of June, 1991, at 9 o'clock P.M.
ESTIMATED LENGTH OF HEARING: 1/2 HR.
AVAILABLE FOR HEARING: MON./TUES./WED. 9-11 AM
REVIEWED BY: *SCA* Zoning Commissioner of Baltimore County
ECO-No. 1 (over)

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-421-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit existing shed to extend into side yard, in lieu of rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Petitioner would suffer unnecessary hardship or practical difficulty in that: (1) shed has been in existence for over twenty years and was constructed by prior owners; (2) shed is affixed to a concrete pad and cannot be moved without destroying the shed; (3) shed extends into side yard by approximately three feet.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Richard J. Romano
(Type or Print Name)
Signature: *Richard J. Romano*
Address: 6027 Loreley Beach Road
City and State: Baltimore, Maryland 21221
Phone No.: 212-21-1800
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Richard J. Romano, 6027 Loreley Beach Road, Baltimore, Maryland 21221, (301) 823-1800
Attorney for Petitioner: Keith R. Truffer
(Type or Print Name)
Signature: *Keith R. Truffer*
Address: 102 W. Pennsylvania Ave., Suite 600
City and State: Towson, Maryland 21204-4575
Attorney's Telephone No.: (301) 823-1800

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of July, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108 County Office Building in Towson, Baltimore County, on the 26th day of June, 1991, at 9 o'clock P.M.

REVIEWED BY: *SCA* Zoning Commissioner of Baltimore County
(over)

CRITICAL AREA
DEED IS BEING RECORDED TO MAKE CORRECTION IN LEGAL DESCRIPTION.
THIS DEED, Made this 14th day of January, 1991, by Theodore R. Hines, party of the first part; and DEBRA ROMANO and RICHARD ROMANO, husband and wife, parties of the second part.
91-421-SPHA
WITNESSETH, that in consideration of the party of the first part's love and affection for his daughter Debra H. Romano and son-in-law Richard Romano, and other good and valuable considerations and the party of the second part, the party of the first part does grant and convey unto the parties of the second part as tenants by the entirety, their assigns, the survivor of them and the survivor's heirs, personal representatives and assigns, in fee simple the hereinafter property situate in Baltimore County, State of Maryland and described as follows, that is to say:

BEGINNING for the same at a point on the southwest side of a 30 foot road now laid out for the use in common at a distance of 547.00 feet measured northwesterly along the southwest side of said road from a stone now set at the intersection of the southwest side of said road and the North 30 degrees 57 perch line of the land which by Confirmatory Deed dated September 27, 1906 and recorded among the Land Records of Baltimore County in Liber WPC No. 303 folio 481, was conveyed by Hannah J. A. H. Bowerman, widow to Frank Hoen, said stone being located north 32 degrees 6 minutes 22.18 feet from stone heretofore set at the point of beginning and binding on the southwest side of said road North 41 degrees 25 minutes West 50 feet thence for a line of division South 32 degrees 5 minutes West 310 feet more or less to the shore line and waters of Bird River thence Southeasterly binding on the intersect a line drawn South 32 degrees 5 minutes West from the place of beginning and thence reversing said line so drawn and binding thereon North 32 degrees 5 minutes 22.90 feet more or less to the place of beginning.
* of said line and running thence from said point of beginning

BEING the same lot/parcel of ground which by Deed dated April 28, 1967 and recorded among the Land Records of Baltimore County in Liber 7509 folio 736, was granted and conveyed by Theodore R. Hines unto Theodore R. Hines, Jr., et al.

ALSO BEING the same lot of ground which by deed dated November, 1989 and recorded or intended to be recorded among the Land Records of Baltimore County immediately prior hereto was granted and conveyed by Theodore R. Hines, Jr., et al., unto the said party of the first part, Grantor herein.

ENVED FOR TRANSFER 1
State Department of
Assessments & Taxation
Baltimore County
12440
AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
12490
TRANSFER TAX NOT REQUIRED
Baltimore County Maryland
Per *John J. Hines*
Date 7-2-91

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1144 Date of Posting: 6/19/91
Posted for: Special Hearing & Variance
Petitioner: Richard J. Romano, et ux
Location of property: 6027 Loreley Beach Road, Baltimore, MD 21221
Location of signs: 6027 Loreley Beach Road, Baltimore, MD 21221
Remarks: Property of Baltimore County
Posted by: *Matthew* Date of return: 6/19/91
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 31, 1991
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on May 29, 1991.

THE JEFFERSONIAN,

S. Zeke Orlov
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the 26th day of June, 1991, at 9 o'clock P.M. at the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, as follows:
Case Number: 91-421-SPHA
3W/8 Loreley Beach Road, approximately 700' SE of 1/5 of Loreley Beach Road, 6027 Loreley Beach Road, 11th Election District, 5th Councilmanic District.
Petitioners: Richard J. Romano, et ux
June 26, 1991 at 9:00 a.m.
Special Hearing: A non-conforming use, the existence of a cottage with side yard setback of 1.5 ft. in lieu of the required 35 ft. Variance to permit existing shed to extend into side yard, in lieu of rear yard.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
NJ/543 May 30

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204, at 9:00 a.m. on June 26, 1991.
Case Number: 91-421-SPHA
343-51076

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 30, 1991.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

Publisher

receipt
Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-6150
Number
4/18/91 H9100400
PUBLIC HEARING FEES QTY PRICE
010 - ZONING VARIANCE (IRL) 1 X \$35.00
030 - SPECIAL HEARING (IRL) 1 X \$35.00
TOTAL: \$70.00
LAST NAME OF OWNER: ROMANO
04404801351CHRG
04404801351CHRG
\$70.00
Please Make Checks Payable To: Baltimore County
CASHIER VALIDATION

receipt
Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-6150
Number
91-421
Please Make Checks Payable To: Baltimore County
CASHIER VALIDATION

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 6/16/91

Mr. & Mrs. Richard J. Romano
6027 Loreley Beach Road
Baltimore, Maryland 21221

RE:
Case Number: 91-421-SPHA
343-51076
SM/S Loreley Beach Road, approximately 700' SE of I/S of
Loreley Beach and North Loreley Beach Road
6027 Loreley Beach Road
11th Election District - 5th Councilmanic
Petitioner(s): Richard J. Romano, et ux
HEARING: WEDNESDAY, JUNE 26, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$120.76 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 West Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Keith R. Truffer, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 17, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-421-SPHA
343-51076
SM/S Loreley Beach Road, approximately 700' SE of I/S of
Loreley Beach and North Loreley Beach Road
6027 Loreley Beach Road
11th Election District - 5th Councilmanic
Petitioner(s): Richard J. Romano, et ux
HEARING: WEDNESDAY, JUNE 26, 1991 at 9:00 a.m.

Special Hearing: A non-conforming use, the existence of a cottage with side yard setbacks of 1.5 ft. in lieu of the required 35 ft.
Variance to permit existing shed to extend into side yard, in lieu of rear yard.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Keith R. Truffer, Esq.
Richard J. Romano, et ux

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 3, 1991

Keith R. Truffer, Esquire
102 W. Pennsylvania Avenue, Suite 600
Towson, MD 21204-4575

RE: Item No. 400, Case No. 91-421-SPHA
Petitioner: Richard J. Romano, et ux
Petition for Special Hearing and
Zoning Variance

Dear Mr. Truffer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER

Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Richard J. Romano
6027 Loreley Beach Road
Baltimore, MD 21221

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
1st day of May, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard J. Romano, et ux

Petitioner's Attorney: Keith R. Truffer

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 10, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Frank A. Cirincione, Item No. 385
Stanley Z. Steinberg, Item No. 392
John D. Ferencik, Item No. 396
Andrew F. David, Item No. 399
Richard J. Romano, Item No. 400
White Marsh Joint Venture, Item No. 401
Francis T. Leyden, Item No. 402
Charles A. Romano, Item No. 404
Dale J. Lohman, Item No. 405
T & G Partnership, Item No. 407
Westview Mall Association, Item No. 408
George Bromwell, Item No. 409
Hawley Rodgers, Item No. 412
Joseph Ruzza, Item No. 416
Ronald L. Norman, Item No. 418
Victor Khouzami, Item No. 422

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

VARIEDIT.EMS/ZAC1

received
5/12/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: May 30, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

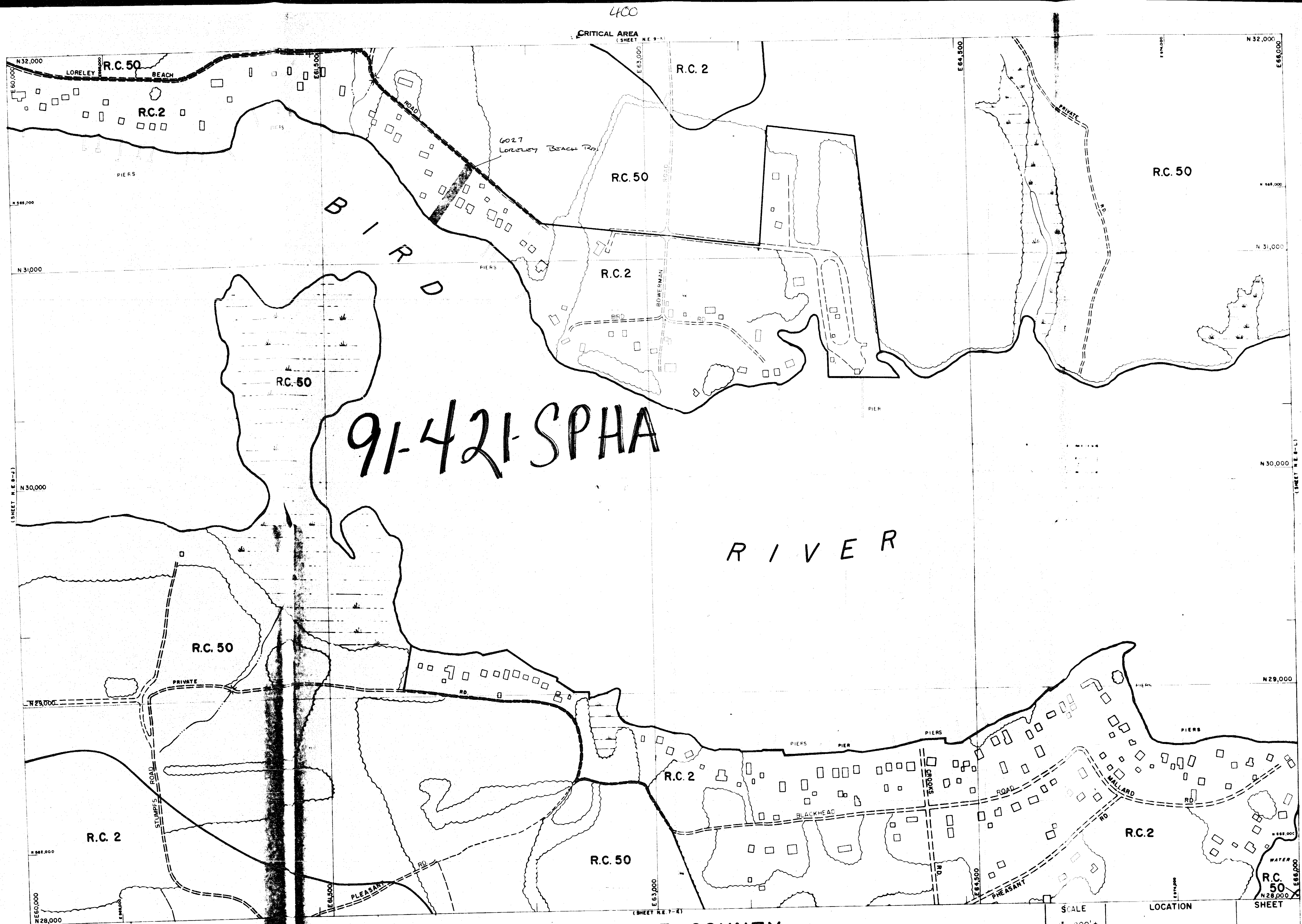
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 30, 1991

This office has no comments for items number 385, 392, 393, 394, 395, 396, 398, 399, 400, 401, 402 and 404.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

KJF/lvd



M - NE MM - NW
M - SE MM - SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

COMPREHENSIVE ZONING MAP
Baltimore County Council
Adopted 13, 1988
147-88, 148-88, 149-88, 150-88
County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200'	LOCATION BIRD RIVER VICINITY	SHEET N.E. 8-K
DATE OF PHOTOGRAPHY JANUARY 1986		



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	BIRD RIVER	NE
DATE OF PHOTOGRAPHY	VICINITY	8-K
JANUARY		